

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

In re:)
Troy Dante Hardin)
216 Nicks Drive)
Madison, TN 37115)
SSN: xxx-xx-9163)
Debtor.)
)

CASE NO. 12-07216

JUDGE HARRISON

CHAPTER 7

TENNESSEE DEPARTMENT OF)
LABOR & WORKFORCE)
DEVELOPMENT -) Adversary Proceeding
BENEFIT PAYMENT CONTROL)
) No.
Plaintiff,)
v.)
)
TROY DANTE HARDIN,)
)
Defendant.)

**COMPLAINT OF THE TENNESSEE DEPARTMENT OF LABOR & WORKFORCE
DEVELOPMENT - BENEFIT PAYMENT CONTROL TO DETERMINE
DISCHARGEABILITY OF DEBT UNDER 11 U.S.C. § 523(a)(2)**

Comes now the Tennessee Attorney General, on behalf of the Tennessee Department of Labor & Workforce Development - Benefit Payment Control ("TDLWD-BPC") by and through undersigned counsel, and petitions the Court, pursuant to 11 U.S.C. § 523, to determine that the debt owed to the TDLWD-BPC by the Debtor, Troy Dante Hardin ("the Debtor"), for overissuance of unemployment benefits, totaling \$9,915.89, be nondischargeable. In support thereof, the TDLWD-BPC advises the Court as follows:

1. This adversary proceeding arises out of the Defendant's Chapter 13 Case No. 12-07216.
2. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§

157, 1334 and 11 U.S.C. § 523. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I).

3. That Debtor applied for and received unemployment benefits on weeks ending July 9, 2011 to March 3, 2012 under Title 50, Tennessee Code Annotated.

4. During these periods, the Debtor failed to report her employment with Dollar General, causing unemployment benefit overpayments to occur in violation of T.C.A. § 50-7-713.

5. The TDLWD-BPC relied on the misrepresentations by the Debtor on his application and weekly reports, in awarding benefits.

6. Based on the foregoing, the TDLWD-BPC asserts that the debt arising from fraudulently obtained unemployment benefits should be nondischargeable under 11 U.S.C. § 523(a)(2).

WHEREFORE, the TDLWD-BPC respectfully request that this Court:

1. Grant judgment in favor of the TDLWD-BPC and against the Defendant for unemployment benefits in the amount of \$9,915.89.
2. Hold the debt nondischargeable pursuant to 11 U.S.C. § 523(a)(2);
3. Assess \$293.00 in court costs against the Debtor in favor of the TDLWD-BPC; and
4. Grant any other relief necessary to protect the interests of the TDLWD-BPC.

Respectfully submitted,

ROBERT E. COOPER, JR.
Tennessee Attorney General and Reporter

/s/ Laura L. McCloud

Laura L. McCloud, BPR #16206

Senior Counsel

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Attorney for the TDLWD-BPC

CERTIFICATE OF SERVICE

I certify that on March 8, 2013, a copy of the foregoing was served upon all parties of record who receive notice electronically via the Court's CM/ECF system:

/s/ Laura L. McCloud
Laura L. McCloud,
Senior Counsel